
**MINUTES OF THE PROCEEDINGS
REGULAR MEETING
OF THE
RETIREMENT BOARD OF THE POLICEMEN'S
ANNUITY & BENEFIT FUND
HELD
THURSDAY – OCTOBER 30, 2014**

The regular meeting of the Retirement Board of the Policemen's Annuity and Benefit Fund was held October 30, 2014, at 9:00 A.M. at the office of the Fund, 221 N. LaSalle Street, Room 1626, Chicago, Illinois for the consideration of applications and bills, and for other such matters that came before the Board. The contents of this meeting were transcribed by Esquire Communications, Ltd. Court Reporters and are made a part of the record.

PRESENT: Trustees Avila, Hamburger, Lappe, Maloney, Neely, Scott, Wright 7.

ABSENT: Trustee Hauser.

PRESIDING: Vice President and Trustee Stephanie Neely.

Vice President Neely called the meeting to order.

The first order of business was review and approval of the investment committee meeting held October 27, 2014.

It was moved by Trustee Scott, seconded by Trustee Avila that the Board approve the minutes from the investment meeting held October 27, 2014, as presented.

ROLL CALL

For: Avila, Maloney, Neely, Scott, Wright 5.

Absent: Hauser 1.

Abstain: Hamburger, Lappe 2.

Next was the approval of the Minutes of the special election meeting of the Retirement Board held October 2, 2014.

It was moved by Trustee Hamburger, seconded by Trustee Scott that the Board approve the minutes from the special meeting held October 2, 2014, as presented.

ROLL CALL

For: Avila, Hamburger, Maloney, Neely, Scott, Wright 6.

Absent: Hauser 1.

Abstain: Lappe 1.

Then was the approval of the Minutes of the last regular meeting of the Retirement Board held September 25, 2014.

It was moved by Trustee Scott, seconded by Trustee Avila that the Board approve the minutes from the regular meeting held September 25, 2014, as presented.

ROLL CALL

For: Avila, Hamburger, Lappe, Maloney, Neely, Scott, Wright 7.

Absent: Hauser 1.

Against: 0.

The Vice President Neely turned the meeting over to the recording secretary, Trustee Maloney.

The Board Recording Secretary conducted the agenda as follows:

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1 - 7 Incurred Expenses for the Month of October 2014.

It was moved by Trustee Lappe, seconded by Trustee Wright that the Board approve the Obligations as detailed on pages 1 through 7.

ROLL CALL

For: Avila, Hamburger, Lappe, Maloney, Neely, Scott, Wright 7.

Absent: Hauser 1.

Against: 0.

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8 - 12 Refunds of Contributions; Withdrawal of Service, Widow's Annuity Accumulations; Widow's Annuity Accumulations – *Revised*; and Exempt Rank Refund.

It was moved by Trustee Scott, seconded by Trustee Lappe that the Board approve the Refunds as detailed on pages 8 through 12.

ROLL CALL

For: Avila, Hamburger, Lappe, Maloney, Neely, Scott, Wright 7.

Absent: Hauser 1.

Against: 0.

13 Payment to Heirs of Deceased Annuitants

It was moved by Trustee Neely, seconded by Trustee Wright that the Board approve the Payment to Heirs of Deceased Annuitants as detailed on page 13.

ROLL CALL

For: Avila, Hamburger, Lappe, Maloney, Neely, Scott, Wright 7.

Absent: Hauser 1.

Against: 0.

14 Refund of Unused Annuity Accumulations

It was moved by Trustee Wright, seconded by Trustee Hamburger that the Board approve the Refunds of Unused Annuity Accumulations as detailed on page 14.

ROLL CALL

ROLL CALL

For: Avila, Hamburger, Lappe, Maloney, Neely, Scott, Wright 7.

Absent: Hauser 1.

Against: 0.

15 - 17 Annuities [Summary pg. 18]

It was moved by Trustee Neely, seconded by Trustee Lappe that the Board approve the Annuities as detailed on pages 15 through 17.

ROLL CALL

For: Avila, Hamburger, Lappe, Maloney, Neely, Scott, Wright 7.

Absent: Hauser 1.

Against: 0.

19 Annuities - *Revised*

It was moved by Trustee Scott, seconded by Trustee Hamburger that the Board approve the Revised Annuities as detailed on page 19.

ROLL CALL

For: Avila, Hamburger, Lappe, Maloney, Neely, Scott, Wright 7.

Absent: Hauser 1.

Against: 0.

20 - 21 Annuities to Widows [Summary pg. 22]

It was moved by Trustee Neely, seconded by Trustee Avila that the Board approve the Annuities to Widows as detailed on pages 20 and 21.

ROLL CALL

For: Avila, Hamburger, Lappe, Maloney, Neely, Scott, Wright 7.

Absent: Hauser 1.

Against: 0.

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23 Annuities to Children - Revised

It was moved by Trustee Neely, seconded by Trustee Scott that the Board approve the Revised Annuities to Children as detailed on page 23.

ROLL CALL

For: Avila, Hamburger, Lappe, Maloney, Neely, Scott, Wright 7.

Absent: Hauser 1.

Against: 0.

24 Occupational/Duty Disability Benefit Claims

a) Hanna, Janet L.

Based on the medical reports, it was moved by Trustee Scott, seconded by Trustee Hamburger that the Board move to grant the officer, subject to a full evidentiary hearing, ordinary disability benefits without prejudice with the understanding that the Board reserves the right prior to such hearing to revisit and terminate that benefit if deemed warranted.

ROLL CALL

For: Avila, Hamburger, Lappe, Maloney, Scott, Wright 6.

Absent: Hauser 1.

Against: Neely 1.

b) Snyder, Anthony M.

Based on the medical reports, it was moved by Trustee Wright, seconded by Trustee Scott that the Board move to grant the officer, subject to a full evidentiary hearing, ordinary disability benefits without prejudice with the understanding that the Board reserves the right prior to such hearing to revisit and terminate that benefit if deemed warranted.

ROLL CALL

For: Avila, Hamburger, Maloney, Scott, Wright 5.

Absent: Hauser 1.

Against: Lappe, Neely 2.

c) Swain, Jennifer J.

Based on the medical reports, it was moved by Trustee Scott, seconded by Trustee Neely that the Board move to grant the officer, subject to a full evidentiary hearing, ordinary disability benefits without prejudice with the understanding that the Board reserves the right prior to such hearing to revisit and terminate that benefit if deemed warranted.

ROLL CALL

For: Avila, Hamburger, Lappe, Maloney, Neely, Scott, Wright 7.

Absent: Hauser 1.

Against: 0.

25 - 27 Payments of Death Benefits [Summary pg. 28]

It was moved by Trustee Neely, seconded by Trustee Wright that the Board approve the Death Benefits as detailed on pages 25 through 27.

ROLL CALL

For: Avila, Hamburger, Lappe, Maloney, Neely, Scott, Wright 7.

Absent: Hauser 1.

Against: 0.

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MISCELLANEOUS

29 GUARDIANSHIP APPOINTMENT

Robertson, Robert

It was moved by Trustee Wright, seconded by Trustee Avila that the Board acknowledge the guardianship appointment as detailed on page 29.

ROLL CALL

For: Avila, Hamburger, Lappe, Maloney, Neely, Scott, Wright 7.

Absent: Hauser 1.

Against: 0.

30 PETITIONS FOR PENSION CREDIT FOR PRIOR COOK COUNTY
SERVICE UNDER 5-214 (C)

Documentation verified, it was moved by Trustee Wright, seconded by Trustee Avila that the Board approve the prior Cook County service petitions as detailed on page 30.

ROLL CALL

For: Avila, Hamburger, Lappe, Maloney, Neely, Scott, Wright 7.

Absent: Hauser 1.

Against: 0.

31 PETITIONS FOR PENSION CREDIT FOR PRIOR LAW ENFORCEMENT
SERVICE UNDER 5-214.2

Documentation verified, it was moved by Trustee Wright, seconded by Trustee Neely that the Board approve the prior military Law Enforcement petition as detailed on page 31.

ROLL CALL

For: Avila, Hamburger, Lappe, Maloney, Neely, Scott, Wright 7.

Absent: Hauser 1.

Against: 0.

32 PETITIONS FOR PENSION CREDIT FOR PRIOR MILITARY
SERVICE UNDER 5-214.3

Documentation verified, it was moved by Trustee Scott, seconded by Trustee Wright that the Board approve the prior military service petitions as detailed on page 32.

ROLL CALL

For: Avila, Hamburger, Lappe, Maloney, Neely, Scott, Wright 7.

Absent: Hauser 1.

Against: 0.

The general agenda was completed and the Board Vice President Neely called the hearings on the scheduled cases.

From prior hearings, the Board's attorney submitted two Orders for review and approval.

*It was moved by Trustee Scott, seconded by Trustee Wright that the Board adopt the **Order** as submitted on **Maryann Munno**, who was denied a duty disability benefit and awarded an ordinary disability benefit.*

ROLL CALL

For: Avila, Hamburger, Lappe, Maloney, Neely, Scott, Wright 7.

Absent: Hauser 1.

Against: 0.

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It was moved by Trustee Scott, seconded by Trustee Hamburger that the Board adopt the Order as submitted on Thomas Sieja, who was denied a duty disability benefit and awarded an ordinary disability benefit.

ROLL CALL

For: Avila, Hamburger, Lappe, Maloney, Neely, Scott, Wright 7.

Absent: Hauser 1.

Against: 0.

It was moved by Trustee Scott, seconded by Trustee Avila that the Board go into executive session pursuant to 2 (c)(7) to discuss cases.

ROLL CALL

For: Avila, Hamburger, Lappe, Maloney, Neely, Scott, Wright 7.

Absent: Hauser 1.

Against: 0.

It was moved by Trustee Neely, seconded by Trustee Wright that the Board exit the executive session.

ROLL CALL

For: Avila, Hamburger, Lappe, Maloney, Neely, Scott, Wright 7.

Absent: Hauser 1.

Against: 0.

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HEARINGS

DISABILITY HEARINGS

DUTY DISABILITY STATUS REVIEWS

33 **Day, Justine**

Justine Day appeared before the Board, with counsel, on her disability status review. After hearing testimony from Officer Day, Dr. Orris, Captain Cassandra Judon, Commander of CPD Medical Section, and reviewing medical records submitted,

It was moved by Trustee Lappe, seconded by Trustee Scott that based on the current medical reports the Board move to terminate Justine Day's duty disability benefit in 30 days to enable her return to active duty in the Chicago Police Department.

ROLL CALL

For: Avila, Hamburger, Lappe, Maloney, Neely, Scott, Wright 7.

Absent: Hauser 1.

Against: 0.

34 **Herrera, Juana**

The Board reviewed various medical reports submitted on the status review of Juana Herrera. Based on the IME recommendation to have a medical follow-up in three months, this matter is deferred for an evaluation to be completed by year's end and placed on the Board's agenda for February 2015.

35 **Jenkins, Harold**

It was moved by Trustee Wright, seconded by Trustee Maloney that the Board continue this status review for one month.

ROLL CALL

For: Avila, Lappe, Maloney, Wright 4.

Absent: Hauser 1.

Against: Hamburger, Neely, Scott 3.

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36 **Kouzoukas, Maria**

It was moved by Trustee Wright, seconded by Trustee Maloney that the Board continue this status review for one month.

ROLL CALL

For: Avila, Lappe, Maloney, Wright 4.
Absent: Hauser 1.
Against: Hamburger, Neely, Scott 3.

37 **Stella, Nicholas**

Nicholas Stella appeared, with counsel, before the Board on his disability status review. After hearing testimony and reviewing the records submitted, *it was moved by Trustee Wright, seconded by Trustee Avila that based on the current medical reports the Board move to terminate Nicholas Stella's duty disability benefit in 30 days to enable his return to active duty with the Chicago Police Department.*

ROLL CALL

For: Avila, Hamburger, Lappe, Maloney, Scott, Wright 6.
Absent: Hauser, Neely 2.
Against: 0.

38 **DUTY DISABILITY CLAIMS**
Ferraro, Patricia D.

This was a duty disability application filed by the officer relating to some orthopedic injuries. From the medical reports of Dr. Levin, the orthopedic medical complaints have resolved and are no longer an issue in this case. The officer is now seeking a heart disability benefit and wants to proceed with an application for an occupational disease disability. On 09/25/2014, this matter was deferred.

Officer Ferraro appeared, with counsel, before the Board on her application for disability benefits. The Board is not in the position to address an occupational disability because Officer Ferraro has not exhausted her non-duty benefits, medical leave, with the Chicago Police Department.

Review and testimony was focused on the period the officer exhausted her IOD medical benefits with the CPD through the current date. Medical reports were reviewed and testimony was taken.

It was moved by Trustee Hamburger, seconded by Trustee Lappe that the Board go into executive session pursuant to 2 (c)(11).

ROLL CALL

For: Avila, Hamburger, Lappe, Maloney, Scott, Wright 6.
Absent: Hauser, Neely 2.
Against: 0.

It was moved by Trustee Wright, seconded by Trustee Lappe that the Board exit the executive session.

ROLL CALL

For: Avila, Hamburger, Lappe, Maloney, Scott, Wright 6.
Absent: Hauser, Neely 2.
Against: 0.

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It was moved by Trustee Wright, seconded by Trustee Hamburger, that the Board award duty disability to Patricia Ferraro for the period September 20, 2013 through November 30, 2014.

ROLL CALL

For: Avila, Hamburger, Lappe, Maloney, Scott, Wright 6.

Absent: Hauser, Neely 2.

Against: 0.

It was moved by Trustee Wright, seconded by Trustee Maloney, that the Board grant the duty award at 75% of salary.

ROLL CALL

For: Maloney, Wright 2.

Absent: Hauser, Neely 2.

Against: Avila, Hamburger, Lappe, Scott 4.

MOTION LOST

Therefore, the duty disability benefit is granted at 50% of salary as defined by statute.

38 DUTY DISABILITY CLAIMS

Miucin, Zoran

Zoran Miusin's counsel appeared before the Board with his application for a duty disability benefit. After review of the medical reports submitted and communication concerning the officer's return to duty, *it was moved by Trustee Maloney, seconded by Trustee Lappe, that the Board award Officer Miucin a duty disability benefit for the period May 3, 2014 to October 5, 2014.*

ROLL CALL

For: Avila, Hamburger, Lappe, Maloney, Neely, Scott, Wright 7.

Absent: Hauser 1.

Against: 0.

It was then moved by Trustee Maloney, seconded by Trustee Wright that the Board grant the duty award at 75% of salary as defined by the Statute.

ROLL CALL

For: Avila, Hamburger, Lappe, Maloney, Neely, Scott, Wright 7.

Absent: Hauser 1.

Against: 0.

38 DUTY DISABILITY CLAIMS

Robertson, Jr., Himmie L.

Himmie L. Robertson, Jr. appeared before the Board for his application for an occupational disease disability benefit. After review of the medical reports submitted and communication concerning the officer's return to duty, *it was moved by Trustee Lappe, seconded by Trustee Maloney, that the Board award Officer Robertson an occupational disease disability benefit.*

ROLL CALL

For: Avila, Hamburger, Lappe, Maloney, Neely, Scott 6.

Absent: Hauser, Wright 2.

Against: 0.

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39 COMPENSATION ANNUITY CLAIM

Bennett, Catherine (Dale)

Catherine Bennett, widow of police officer Dale Bennett appeared, with counsel, before the Board on her application for a compensation widow's annuity. After hearing testimony and reviewing the documents submitted, *it was moved by Trustee Lappe, seconded by Trustee Maloney, that the Board go into executive session.*

ROLL CALL

For: Avila, Hamburger, Lappe, Maloney, Neely 5.

Absent: Hauser, Scott, Wright 3.

Against: 0.

It was moved by Trustee Hamburger, seconded by Trustee Maloney that the Board come out of executive session.

ROLL CALL

For: Avila, Hamburger, Lappe, Maloney, Neely 5.

Absent: Hauser, Scott, Wright 3.

Against: 0.

It was moved by Trustee Maloney, seconded by Trustee Lappe, that the Board grant a widow's compensation annuity based on the act of duty.

ROLL CALL

For: Lappe, Maloney 2.

Absent: Hauser, Wright 2.

Against: Avila, Hamburger, Neely 3.

Abstain: Scott 1.

Trustee Lois Scott requested to read into the record a letter that she will be delivering to her fellow Trustees of the Policemen's Annuity & Benefit Fund, the Executive Director and Board counsel. The letter read addressed the Jon Burge matter and if there were additional options to cease his annuity.

Trustees Neely, Hamburger and Avila affirmed the letter and requested to add their signatures.

The Executive Director reviewed with the Board the following matters:

- The Richard J. Jones Annuitants' Assistance Fund.

It was moved by Trustee Neely, seconded by Trustee Wright, that the Board transfer \$495,000 from the Gift Fund to the RJJAA Fund.

ROLL CALL

For: Avila, Hamburger, Lappe, Maloney, Neely, Scott, Wright 7.

Absent: Hauser 1.

Against: 0.

- Based on annual exams of disability recipients, the Board's physician has recommended additional testing to be completed as follows:

<u>Member</u>	<u>Recommended Test</u>
Karen Madigan	FCE
Kimberly Powe	Orthopedic IME
Sonia Cegielski	FCE

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It was moved by Trustee Wright, seconded by Trustee Neely that the Board approve the recommendations of the Board's physician to have a FCE completed by Officer Madigan.

ROLL CALL

For: Avila, Hamburger, Lappe, Maloney, Neely, Scott, Wright 7.

Absent: Hauser 1.

Against: 0.

It was moved by Trustee Maloney, seconded by Trustee Hamburger that the Board approve the recommendations of the Board's physician to have an Orthopedic IME completed by Officer Powe.

ROLL CALL

For: Avila, Hamburger, Lappe, Maloney, Neely, Scott, Wright 7.

Absent: Hauser 1.

Against: 0.

It was moved by Trustee Wright, seconded by Trustee Maloney that the Board approve the recommendations of the Board's physician to have a FCE completed by Officer Cegielski.

ROLL CALL

For: Avila, Hamburger, Lappe, Maloney, Neely, Scott, Wright 7.

Absent: Hauser 1.

Against: 0.

- Based on statutory requirement of annual exams of disability recipients, the Board's physician, Dr. Orris, was to examine **John Kubik** in July 2014. Mr. Kubik forwarded communication and medical information that he was too ill to travel from Michigan to his annual exam. Dr. Orris arranged for Mr. Kubik to have an IME completed by a physician in Detroit in June 2014. Mr. Kubik failed to keep the appointment. The physician from Detroit has been unsuccessful contacting this member for rescheduling of the IME.

It was moved by Trustee Avila, seconded by Trustee Lappe that the Board approve that communication be sent to John Kubik informing him that if he does not follow through and reschedule the IME with the physician in Detroit that his disability benefit shall be suspended November 30, 2014, until such time an appointment is made.

ROLL CALL

For: Avila, Hamburger, Lappe, Maloney, Neely, Scott, Wright 7.

Absent: Hauser 1.

Against: 0.

- The Fund's annual holiday party was discussed.

It was moved by Trustee Wright, seconded by Trustee Avila, that the Board approve a \$500 expense for the Fund's 2014 holiday party.

ROLL CALL

For: Avila, Hamburger, Lappe, Maloney, Neely, Scott, Wright 7.

Absent: Hauser 1.

Against: 0.

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Fund's counsel addressed with the Board prior disability status reviews.

- Patrick Blair submitted to the Fund a report from Midwest Orthopedics at Rush indicating he is medically cleared to proceed with a handgun qualification. Officer Blair is able to meet job restrictions, therefore is seeking to apply for reinstatement to the Chicago Police Department.

Testimony was taken from staff member, Bob Crawford, concerning Patrick Blair, and the submission of the medical report and conversations had concerning his desire to be reinstated to active duty.

Based on the medical reports and testimony from a Fund staff member *it was moved by Trustee Hamburger, seconded by Trustee Lappe, that the Board issue a letter that Officer Blair's duty disability benefit shall cease on November 30, 2014, in order to enable his return to active duty.*

ROLL CALL

For: Avila, Hamburger, Lappe, Maloney, Neely, Scott 6.

Absent: Hauser, Wright 2.

Against: 0.

- Karen Madigan submitted to the Fund a report from Dr. Louis Redondo indicating she is medically cleared for employment with certain restriction.

Testimony was taken from staff member Bob Crawford, concerning this submission and conversations had concerning her desire to be reinstated to the Chicago Police Department.

Because Officer Madigan is in receipt of an Ordinary Disability Benefit, the CPD cannot return her to a 'light duty' position, therefore the Board is required to pass on this matter, which will be re-addressed when she is released for full duty.

All business concluded for this date, October 30, 2014, *it was moved by Trustee Avila, seconded by Trustee Hamburger that this meeting be adjourned.*

ROLL CALL

For: Avila, Hamburger, Lappe, Maloney, Neely, Scott 6.

Absent: Hauser, Wright 2.

Against: 0.